

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA, §
§
Plaintiff, §
v. §
§ CRIMINAL ACTION NO. 4:18-CR-17
MARIO RANGEL, §
§
Defendant. §

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Now before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on January 17, 2019, to determine whether Defendant violated his supervised release. Defendant was represented by Phillip Linder. The Government was represented by Ernest Gonzalez.

Mario Rangel was sentenced on October 1, 2010, before The Honorable Lynn Adelman of the Eastern District of Wisconsin after pleading guilty to the offense of Conspiracy to Distribute 5 Kilograms or More of Cocaine, a Class A felony. This offense carried a statutory maximum imprisonment term of Life. The guideline imprisonment range, based on a total offense level of 33 and a criminal history category of II, was 151 to 188 months. Mario Rangel was subsequently sentenced to 78 months of imprisonment followed by a 4-year term of supervised release, subject to the standard conditions of release, plus special conditions to include drug testing and treatment and a \$100 special assessment. On February 10, 2014, Mario Rangel completed his period of imprisonment and began service of the supervision term. On February 9, 2018, jurisdiction of this

case was transferred to the Eastern District of Texas, and the case was assigned to U.S. District Judge Marcia A. Crone.

On April 4, 2018, the U.S. Probation Officer executed a First Amended Petition for Warrant or Summons for Offender Under Supervision [Dkt. 2, Sealed]. The First Amended Petition asserted that Defendant violated three (3) conditions of supervision, as follows: (1) The defendant shall not commit another federal, state, or local crime; (2) The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter; and (3) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substances or any paraphernalia related to any controlled substances, except as prescribed by a physician.

The Petition alleges that Defendant committed the following acts: (1), (2), and (3) Mr. Rangel was arrested on January 21, 2018, in the Western District of Texas, as a result of a warrant and First Superseding Indictment filed in the Eastern District of Texas on December 13, 2017, for the offense of Conspiracy to Possess with Intent to Manufacture and Distribute Methamphetamine. This case remains pending under Docket No. 4:17-CR-140 (8). According to the Indictment, from sometime in or about January 17, 2017, and continuously thereafter, up to and including December 13, 2017, in the Eastern District of Texas and elsewhere, Mario Rangel, Sr., and eight other codefendants did knowingly and intentionally combine, conspire, and agree with each other and other persons known and unknown to the United States Grand Jury to knowingly and intentionally possess with the intent to manufacture and distribute 500 grams or more of a mixture containing a

detectable amount of methamphetamine or 50 grams or more of methamphetamine (actual), a violation of Title 21 U.S.C. § 841(a)(1) and Title 21 U.S.C. § 846.

Prior to the Government putting on its case, Defendant entered a plea of true to all three (3) allegations of the Petition. Having considered the Petition and the plea of true to all three (3) allegations, the Court finds that Defendant did violate his conditions of supervised release.

Defendant waived his right to allocute before the District Judge and his right to object to the report and recommendation of this Court.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant's supervised release be revoked and that he be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twenty-seven (27) months to run consecutively to any term of imprisonment imposed in 4:17CR140, with no term of supervised release to follow.

The Court also recommends that Defendant be housed in the Bureau of Prisons facility discussed at sentencing on January 18, 2019 in the 4:17CR140 case, if appropriate.

SIGNED this 17th day of January, 2019.



Christine A. Nowak
UNITED STATES MAGISTRATE JUDGE